

APPEAL NO. 031944
FILED AUGUST 25, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 19, 2003. The hearing officer determined that the claimant's _____, compensable left shoulder and left elbow injury does not extend to or include anxiety, depression, or injuries to the right hand, left hand, right wrist, or left wrist. Additionally, the hearing officer determined that as result of the compensable injury, the claimant had disability from February 21, 2003, through the date of the hearing. The appellant (carrier) appeals the disability determination. The claimant urges affirmance of the hearing officer's decision. The extent-of-injury determination has not been appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

Whether the claimant had disability resulting from the _____, compensable injury was a factual question for the hearing officer to resolve. A disability determination can be established by the claimant's testimony alone, if believed by the hearing officer. Gee v. Liberty Mut. Fire Ins. Co., 765 S.W.2d 394 (Tex. 1989). The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer was persuaded by the evidence that the claimant was unable to obtain or retain employment at her preinjury wage for the period of time in question as a result of the compensable left shoulder and left elbow injury. Nothing in our review of the record indicates that the hearing officer's disability determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **ROYAL INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS STREET
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge